

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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STEVE KLEIN, individually and on behalf of :  
all others similarly situated, :  
: Plaintiff, : Civil Action  
: : No. 19-11356-FDS  
v. : :  
: : **STIPULATION OF DISMISSAL WITH**  
BOSTON SCIENTIFIC CORPORATION, : **PREJUDICE**  
MICHAEL F. MAHONEY, and DANIEL J. :  
BRENNAN, :  
: Defendants. :  
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The parties hereby stipulate to the dismissal of the claims asserted by Plaintiff Steven Klein in the above-captioned action (the “Action”) with prejudice as to all Defendants pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and as grounds therefor state as follows:

WHEREAS, in consideration of the covenants and agreements contained in this Stipulation, the undersigned parties hereby stipulate and agree as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the claims of Plaintiff in this Action shall be dismissed with prejudice by Plaintiff as to all Defendants, with each side to bear its own attorneys’ fees and costs incurred in connection with this Action;

2. The undersigned parties mutually agree not to seek or assert any claim against the other(s), including for fees, expenses, costs, and sanctions (including any claim under Fed. R. Civ. P. 11), that Plaintiff’s claims in the Action were brought in bad faith or without a reasonable basis;

3. This Stipulation constitutes the entire and complete agreement between the undersigned parties, the terms and conditions contained herein are contractual and not a mere

recital, and such terms and conditions shall not be amended, supplemented or abrogated other than by a written instrument signed by each affected party hereto, or by the authorized representative of each party; and

4. This Stipulation shall not be construed against the party preparing it, but shall be construed as if the parties jointly prepared this Stipulation, and any uncertainty or ambiguity on the ground of authorship shall not be interpreted against any one party.

WHEREFORE, it is hereby stipulated and agreed by all undersigned parties that the claims asserted by Plaintiff in this Action be dismissed with prejudice as to all Defendants, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

Dated: September 20, 2019  
Boston, Massachusetts

Respectfully submitted,

/s/ Daryl Andrews  
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*Counsel for Defendants*  
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*Michael F. Mahoney, and*  
*Daniel J. Brennan*

## **CERTIFICATE OF SERVICE**

I, Daryl Andrews, hereby certify that a true copy of this document was served upon all counsel of record through the Court's electronic court filing (ECF) system, this 20th day of September 2019.

/s/ Daryl Andrews